

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2000-0196-C - ORDER NO. 2000-744
SEPTEMBER 11, 2000

IN RE: Application of New Dimension	)	ORDER APPROVING
Communications, Inc., f/k/a Green's Jewelers,	)	EXPEDITED REVIEW OF
Inc., d/b/a Fast Phones to Amend its	)	APPLICATION TO
Certificate of Public Convenience and	)	AMEND EXISTING
Necessity to Allow the Provision of	)	AUTHORITY,
Interexchange Services Within the State of	)	APPROVING
South Carolina, for Alternative Regulatory	)	INTEREXCHANGE
Treatment First Approved in Docket No. 95-	)	SERVICES,
661-C, for Flexible Regulation First	)	ALTERNATIVE AND
Approved in Docket No. 97-467-C, and for	)	FLEXIBLE
Approval of Revision to its South Carolina	)	REGULATION, AND
Tariff No. 1.	)	APPROVAL OF TARIFF
	)	REVISIONS

This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of the Application of New Dimension Communications, Inc., f/k/a Green's Jewelers, Inc., d/b/a Fast Phones ("New Dimension" or the "Company") for authority to provide interexchange services within the State of South Carolina and by way of the Company's Motion for Expedited Review of the Application. The Applicant requests authority to amend the Certificate of Public Convenience and Necessity granted by this Commission on September 14, 1998, in Docket No. 98-255-C, Order No. 98-696 to provide local exchange telecommunications services within the State of South Carolina to also allow New Dimension to provide interexchange services within the State of South Carolina, and to reflect the Company's new corporate name, New Dimension Communications, Inc. By way of its Application, New

Dimension also requested alternative regulation of its business services offerings identical to that granted to AT&T Communications in Order Nos. 95-1734 and 96-55 in Docket No. 96-661-C.

Further, New Dimension requested the Commission to allow flexible regulation of its local services consistent with the principles and procedures established by Order 98-165 in Docket No. 97-467-C. New Dimension also requested approval of revisions to its South Carolina Tariff No.

1. The Application was filed pursuant to S.C. Code Ann. § 58-9-280 (Supp. 1999) and the Rules and Regulations of the Commission.

By letter, the Commission's Executive Director instructed New Dimension to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings. New Dimension complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. No protests, petitions to intervene, or comments were filed in connection with the Application.

On July 17, 2000, New Dimension filed its Motion for Expedited Review of its Application. By its Motion, New Dimension offers that no comments or petitions to intervene were filed in response to the notice in this docket and that New Dimension was issued a Certificate of Public Convenience and Necessity by this Commission to operate as a reseller of local exchange telecommunications services within the State of South Carolina in Order No. 98-696 in Docket No. 98-255-C, dated September 14, 1998, under its former corporate name Green's Jewelers, Inc. d/b/a Fast Phones. In support of its Application for a Certificate of Public Convenience and Necessity to provide interexchange telecommunications services and Motion

for Expedited Review, New Dimension submitted the verified testimony of Wayne Green, President of New Dimension Communications, Inc. The purpose of Green's testimony was to provide evidence on the financial, technical, and managerial abilities of New Dimension to provide interexchange telecommunications services in South Carolina and to describe the services which New Dimension proposes to offer.

According to the verified testimony of Mr. Green, New Dimension proposes to offer switchless interexchange telecommunications services from points of origin within the State of South Carolina to points of termination within South Carolina, other parts of the United States, and foreign countries. Mr. Green's testimony stated that New Dimension will also offer prepaid calling (debit) cards. Mr. Green testified that New Dimension understands the Commission's requirement to post the required \$5,000 bond or certificate of deposit prior to offering or providing prepaid debit card services in the State of South Carolina. Mr. Green stated that New Dimension will at all times provide and market interexchange carrier services in accordance with current Commission policies and in addition, will at times provide interstate services in compliance with all Federal Communications Commission (FCC) rules and regulations. He further stated that New Dimension will market its services via personal and telephone contact by New Dimension's employees and/or authorized distributors. He said New Dimension intends to advertise its services through print, radio, and television media, as well as various forms of direct mailing.

The record reveals that New Dimension has sufficient technical and managerial resources to provide the services for which its requests authority. New Dimension has been providing local telecommunications services in South Carolina since 1998. Under its former corporate name,

New Dimension was incorporated in the State of South Carolina on May 19, 1995. (See Exhibit B of Application of New Dimension). Wayne Green, President of New Dimensions, founded the Company in 1995 and has served as its president since its inception. Mr. Green oversees all aspects of the Company's operations, including billing, provisioning, and customer service. The record reveals Mr. Green has considerable experience in management, marketing, and financial and accounting matters. Since the Company began providing resold local exchange services in the Fall of 1998, the Company has grown to serve approximately 1,600 customers in the Orangeburg, South Carolina, area. Mr. Green has attended the BellSouth Professional Training Services School in Atlanta, Georgia, as well as a number of telecommunications-related trade shows. Prior to founding the Company, Mr. Green managed several retail establishments in several different managerial and technical positions.

Mr. Green testified that New Dimension's customer service department operates from 9:00 a.m. to 6:00 p.m. Monday through Friday and from 10:00 a.m. to 6:00 p.m. Eastern Standard Time on Saturdays. He stated that inquiries received outside the customer service department's hours of operation will be addressed the next business day and that New Dimension will respond to any billing or service inquiries within twenty-four hours. The record reveals that the customer will be advised of the reasons for the need for additional inquiries and will be given a date certain by which the inquiry will be addressed. Mr. Green stated that New Dimension's toll-free telephone number is (800) 270-7296 and customers can use this number twenty-four hours a day. He further stated that the number will be printed on monthly billing statements.

Regarding New Dimension's financial resources, Mr. Green offered that New Dimension is a financially sound company that has operated as a reseller of local telecommunications

services since 1998, and has access to the capital and resources necessary to establish its capability to provide the additional services for which authority is requested. Mr. Green filed copies of income tax returns (personal and corporate) from 1999 with the Application. These financial documents reveal a strong financial position.

Mr. Green stated that New Dimension is familiar with applicable Commission policies, rules and Orders and has adhered to them in conducting its past and present operations in South Carolina, and will continue to adhere to them. Mr. Green's testimony offered that approval of New Dimension's Application will serve the public interest by creating greater competition in the interexchange marketplace. He stated that approval will also provide consumers with a greater choice of billing options and long distance services for intrastate calls, promoting more efficient use of the underlying networks.

The Commission, in its regularly scheduled Commission Meeting on August 11, 2000, considered New Dimension's Application and Motion for Expedited Review. The Commission recognizes that New Dimension is presently authorized by this Commission to operate as a reseller of local exchange telecommunications services. New Dimension was granted this authority by Order No. 98-696 in Docket No. 98-255-C, dated September 14, 1998, after a hearing before the Commission in which the Commission determined that New Dimension possesses the experience, capability, and financial resources to provide local exchange telecommunications services. Upon consideration of New Dimension's Application to provide interexchange telecommunications services and Motion for Expedited Review, the Commission finds it appropriate to grant the Motion for Expedited Review. No comment or intervention was received in this docket, and no opposition to New Dimension's Motion for Expedited Review

was received. By its Motion for Expedited Review, New Dimension has waived all rights to a full evidentiary hearing and requests that the Commission consider the Application in the context of a regularly scheduled Commission meeting. The Commission will consider New Dimension's Application in the Commission Meeting, and the Commission's discussion and deliberation in the presence of a court reporter and with verified testimony of the witness to be deemed a hearing for the purposes of consideration of the Application.

After full consideration of the applicable law, New Dimension's Application, the Motion for Expedited Review of the Application, and evidence submitted by New Dimension, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. New Dimension is organized as a corporation under the laws of the State of South Carolina.
2. New Dimension currently operates as a non facilities-based reseller of local telecommunications services and wishes to also provide interexchange telecommunications services in South Carolina.
3. New Dimension has the experience, capability, and financial resources to provide the services as described in its Application.

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to New Dimension to provide intrastate InterLATA service and to originate and terminate toll traffic within the same LATA, as set forth herein, through the resale of intrastate Wide Area Telecommunications Services (WATS),

Message Telecommunications Service (MTS), Foreign Exchange Service, Private Line Service, or any other services authorized for resale by tariffs of carriers approved by the Commission.

2. The Commission adopts a rate design for the long distance services which are consistent with the principles and procedures established for alternative regulation for business service offerings set out in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C. Under the Commission approved alternative regulation, the business service offerings of New Dimension, including consumer card and operator services are subject to a relaxed regulatory scheme identical to that granted to AT&T Communications in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C. Under this relaxed regulatory scheme, tariff filings for business services shall be presumed valid upon filing. The Commission will have seven (7) days in which to institute an investigation of any tariff filing. If the Commission institutes an investigation of a particular tariff filing within seven days, the tariff filing will then be suspended until further Order of the Commission. Any relaxation in the future reporting requirements that may be adopted for AT&T shall apply to New Dimension also.

3. New Dimension's local telecommunications services shall be regulated in accordance with the principles and procedures established for flexible regulation first granted to NewSouth Communications by Order No.98-165 in Docket No. 97-467-C. Specifically, the Commission adopts for New Dimension's competitive intrastate local exchange services a rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels that will have been previously approved by the Commission. Further, New Dimension's local exchange services tariff filings are presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in

which case the tariff filing would be suspended pending further Order of the Commission. Further, any such tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

4. If it has not already done so by the date of issuance of this Order, New Dimension shall file its revised maximum long distance tariff and an accompanying price list within thirty (30) days of receipt of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations.

5. New Dimension is subject to access charges pursuant to Commission Order No. 86-584, in which the Commission determined that for access purposes resellers and facilities-based interexchange carriers should be treated similarly.

6. With regard to the Company's resale of service, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

7. New Dimension shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If New Dimension changes underlying carriers, it shall notify the Commission in writing.

8. As a condition of offering debit card services, the Commission requires the Company to post with the Commission a bond in the form of a Certificate of Deposit worth \$5,000 drawn in the name of the Public Service Commission of South Carolina or a surety bond in the amount of \$5,000 which is payable to the Commission. The Certificate of Deposit shall be drawn on federal or state chartered banks or savings and loan associations which maintain an office in this state and whose accounts are insured by either the FDIC or the Federal Savings and Loan Insurance Corporation. A surety bond shall be issued by a duly licensed bonding or

insurance company authorized to do business in South Carolina. This condition may be reviewed on an annual basis.

9. If the Company sells its debit cards to retail establishments for resale of the debit cards, and the retailer of the debit cards deviates from the suggested retail price as filed in the tariff, or as approved by the Commission in a special promotion, then the Company will withdraw its cards from that retail outlet. The Commission strongly suggests that the Company enter into written agreements with its South Carolina retail outlets regarding this policy of abiding by suggested retail pricing prior to the outlet marketing the card.

10. New Dimension shall file surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. Annual reports and gross receipt reports are required by the Commission. The Company shall keep such financial records on an intrastate basis as needed to comply with the annual report and gross receipt filings. The forms the Company shall use to file annual financial information with the Commission can be found at the Commission's web site at www.psc.state.sc.us/forms. The form for reporting annual information for local exchange service is entitled "Annual Report for Competitive Local Exchange Carriers" and consists of four pages. The form for reporting annual information for interexchange services is entitled "Annual Information on South Carolina Operations for Interexchange Companies and AOS" and consists of two pages.

11. The company shall, in compliance with Commission regulations, designate and maintain authorized utility representatives who are prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission in writing the names of the authorized representatives

to be contacted in connection with general management duties as well as emergencies which occur during non-office hours.

New Dimension shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. The form the Company shall use to file this authorized utility representative information can be found at the Commission's web site at www.psc.state.sc.us/forms. This form is entitled "Authorized Utility Representative Information." Further, the Company shall promptly notify the Commission in writing if the representatives are replaced.

12. With regard to the origination and termination of toll calls within the same LATA, New Dimension shall comply with the terms of Order No. 93-462, Order Approving and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dial parity rules established by the Federal Communications Commission, pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51-209).

13. The Company is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

14. The Commission grants New Dimension's request that the Company's Certificate of Public Convenience and Necessity be amended to reflect its new corporate name. The Commission approves the Company's amended tariff and name change from Green's Jewelers, Inc. d/b/a Fast Phones to New Dimension Communications, Inc. The Commission's records will hereby reflect the modification of the name of the Company.

15. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Chairman

ATTEST:

Executive Director

(SEAL)